

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES CORPORATION,)
Plaintiff,) C.A. No. 16-122-LPS
v.) JURY TRIAL DEMANDED
GROUPON, INC.) PUBLIC VERSION
Defendant.)

**DECLARATION OF LAURIE STEMPLER IN SUPPORT OF IBM'S
MOTION FOR ENHANCED DAMAGES, ATTORNEYS' FEES,
PRE- AND POST-JUDGMENT INTEREST, AND AN ONGOING ROYALTY**

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*Attorneys for Plaintiff
International Business Machines Corporation*

Dated: September 19, 2018
5932913 / 43155

Public Version Dated: September 26, 2018

I, Laurie Stempler, declare as follows:

1. I am an attorney with the law firm of Desmarais LLP, counsel of record for Plaintiff International Business Machines Corporation (“IBM”) in the above-captioned matter, and I am admitted *pro hac vice* to this Court. I submit this declaration based on personal knowledge, and if called upon as a witness, I could competently testify to the truth of each statement herein.

2. I make this declaration in support of IBM’s Motion for Enhanced Damages, Attorneys’ Fees Pre- and Post-Judgment Interest, and an Ongoing Royalty.

3. Attached hereto as Exhibit A is a true and correct copy of the Preliminary Invalidity Contentions of Defendant Groupon, Inc.

4. Attached hereto as Exhibit B is a true and correct copy of a document bearing bates stamp GROUP028246-GROUP028256. Exhibit B was Trial Exhibit PX-0158 and Exhibit 25 to the August 9, 2017 Deposition of Damien Schmitz.

5. Attached hereto as Exhibit C is a true and correct copy of a document bearing bates stamp IBM-GROUPON10366519. Exhibit C was Trial Exhibit DX-0567.

6. Attached hereto as Exhibit D is a true and correct copy of a document bearing bates stamp IBM-GROUPON10365104-107. Exhibit D was Trial Exhibit DX-0547.

7. Attached hereto as Exhibit E is a true and correct copy of excerpts from Defendant Groupon, Inc.’s Supplemental Responses to Plaintiff International Business Machines Corporation’s First, Second, And Third Sets of Interrogatories (Nos. 1, 2, 4, 7, 8, 9, 10, 13 and 14). Exhibit E was Trial Exhibit PX-0497.

8. Attached hereto as Exhibit F is a true and correct copy of a document bearing bates stamp GROUP0024551-GROUP0024731. Exhibit F was Trial Exhibit PX-0374.

9. Attached hereto as Exhibit G is a true and correct copy of the Final Invalidity

Contentions of Defendant Groupon, Inc.

10. Attached hereto as Exhibit H is a true and correct copy of a July 12, 2018 Email from Sapna Mehta RE IBM v. Groupon – Groupon's Election of Prior Art.msg.

11. Attached hereto as Exhibit I is a true and correct copy of excerpts from Defendant Groupon, Inc.'s Supplemental Responses to Plaintiff International Business Machines Corporation's First, Second and Third Sets of Interrogatories (Nos. 1, 2, 4, 7, 8, 9, 10, 13, and 14).

12. Attached hereto as Exhibit J is a true and correct copy of excerpts from Defendant Groupon, Inc.'s Responses to Plaintiff International Business Machines Corporation's First Set of Interrogatories (Nos. 1-8).

13. Attached hereto as Exhibit K is a true and correct copy of excerpts from the August 9, 2017 Deposition of Damien Schmitz.

14. Attached hereto as Exhibit L is a true and correct copy of excerpts from the October 6, 2017 Opening Expert Report of Jerry A. Hausman.

15. Attached hereto as Exhibit M is a true and correct copy of excerpts from the November 3, 2017 Rebuttal Expert Report of James E. Malackowski.

16. Attached hereto as Exhibit N is a true and correct copy of a document bearing bates stamp IBM-GROUPON10366548-550. Exhibit N was Trial Exhibit DX-0540.

17. Attached hereto as Exhibit O is a true and correct copy of a document bearing bates stamp IBM-GROUPON00014477-81.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on September 19, 2018, in New York, NY.

/s/ Laurie Stempler
Laurie Stempler

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